

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants: | Kazuya Hijii, et al. | Examiner: | Michael F. Peffley |
| Serial No.: | 10/761,960 | Art Unit: | 3739 |
| Filed: | January 21, 2004 | Docket: | 17377 |
| For: | ELECTRIC SURGERY APPARATUS FOR SUPPLYING ELECTRIC POWER SUITABLE FOR SUBJECT TISSUE | Dated: | October 7, 2008 |
| Conf. No.: | 3891 | | |

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 23313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

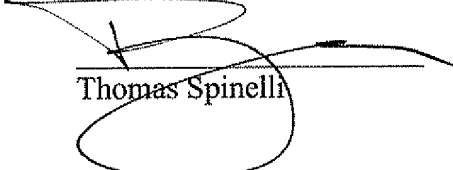
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Japanese Patent Application Publication No. 2002-65693 published March 5, 2002 together with English language abstract;
2. Japanese Patent Application Publication No. 2002-65691 published March 5, 2002 together with English language abstract.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website on the date set forth below.

Dated: October 7, 2008


Thomas Spinelli

The references listed above were cited in a Japanese Official Action dated September 30, 2008, a copy of which is enclosed. Applicants are submitting copies of the above-cited references required by 37 C.F.R. 1.98 (a)(2)(i) and (ii).

The undersigned attorney hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Further, inasmuch as this Information Disclosure Statement is also being submitted in accordance with the schedule set out in 37 C.F.R. § 1.704(d), a statement is attached.

Respectfully submitted,



Thomas Spinelli
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STATEMENT PURSUANT TO 37 C.F.R. §1.704(d)

Sir:

I hereby state that each item of information contained in the Information Disclosure Statement submitted herewith was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

CERTIFICATE OF ELECTRONIC FILING

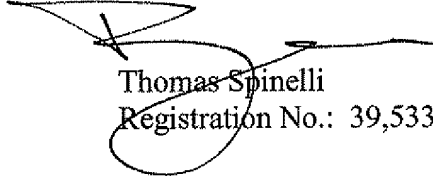
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Therefore, the Information Disclosure Statement submitted herewith cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of 37 C.F.R. §1.704.

Respectfully submitted,



Thomas Spinelli
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